



2026:CGHC:17954-DB



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**CRA No. 607 of 2025**

Virendra Kumar Sonkar @ Chotu S/o Sudama Sonkar Age 18 Years 10 Months R/o Baijnathpara, P.S. Durg Distt. Durg (C.G.)

... Appellant(s)**versus**

State Of Chhattisgarh Through Sho Ps Durg Kotwali Distt. Durg (C.G.)

... Respondent(s)

For Appellant(s) : Mr. Goutam Khetrapal, Advocate

For Respondent(s) : Ms. Vaishali Mahilong, Dy. G.A.

Hon'ble Shri Ramesh Sinha, Chief Justice**Hon'ble Shri Ravindra Kumar Agrawal, Judge****Judgment on Board****Per Ramesh Sinha, CJ****20.04.2026**

1. This appeal arises out of the judgment of conviction and order of sentence dated 29.01.2025 passed by the Additional Sessions Judge, Fourth (F.T.C.), Special Judge, Durg, District- Durg in Special Sessions Trial (POCSO) No. 111/2022, whereby the appellant has been convicted for offence under Section 6 of the Protection of Children from Sexual Offences Act, 2012



(hereinafter called as 'POSCO') and sentenced to undergo rigorous imprisonment for 20 years and fine of Rs.5000/-, in default of payment of fine to further undergo Rigorous Imprisonment for one month.

2. The prosecution case, in brief, is that on 27.07.2022, the mother of the victim (PW-2) lodged a written complaint at Police Station- City Kotwali, District- Durg, stating that her daughter, born on 15.06.2005, had been experiencing abnormal physical changes. Upon medical examination by a lady doctor, it was disclosed that the victim was pregnant. On being questioned, the victim revealed that the appellant, a resident of the same locality, had established acquaintance with her and, on the pretext of marriage, subjected her to repeated sexual assault on 30.11.2021 and 01.12.2021.
3. On the basis of the said complaint (Ex.P-05), FIR bearing Crime No. 849/2022 was registered against the appellant for offences punishable under Section 376(2)(n) of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012, and investigation was set into motion.
4. During the course of investigation, the victim was medically examined after obtaining due consent of her as well as her mother. The medical examination report (Ex.P-23) was obtained from the District Hospital, Durg. Documentary evidence regarding the age of the victim, including her birth certificate reflecting her date of birth as 15.06.2005 and school records, were seized vide



Ex.P-09, thereby establishing that she was a minor at the time of the incident.

5. Further, documents pertaining to the pregnancy of the victim, including sonography reports and treatment records, were seized vide Ex.P-10. The investigating officer prepared the spot map (Ex.P-02), and a Patwari map (Ex.P-08) was also obtained for corroboration.
6. The statement of the victim under Section 164 of the Code of Criminal Procedure was recorded before the Judicial Magistrate (Ex.P-03), wherein she reiterated the allegations against the appellant. Statements of other material witnesses, including the parents of the victim and medical experts, were recorded during investigation.
7. The appellant was arrested on 28.07.2022 (Ex.P-13), and his medical examination was conducted, including potency test (Ex.P-22). His date of birth was also collected during investigation.
8. Significantly, during trial, pursuant to directions of the Court, blood samples of the victim, the appellant, and the child born to the victim were collected and sent for DNA examination. The DNA report (Ex.P-42) received from the State Forensic Science Laboratory, Raipur, forms a crucial piece of scientific evidence on record.



9. After completion of investigation, charge-sheet was filed before the Special Court, and the case was committed for trial. The prosecution examined as many as 12 witnesses, including the victim (PW-1), her parents (PW-2 and PW-3), medical experts, and investigating officers. The appellant, in his statement under Section 313 Cr.P.C., denied the incriminating circumstances and did not lead any defence evidence
10. After appreciation of evidence available on record, the learned trial Court has convicted the accused/appellant and sentenced him as mentioned in para 1 of the judgment. Hence, this appeal.
11. Mr. Goutam Khetrapal, learned counsel for the appellant assails the impugned judgment of conviction and order of sentence as being perverse, legally unsustainable, and contrary to the settled principles of criminal jurisprudence, contending that the learned trial Court has failed to properly appreciate the evidence on record and has erroneously convicted the appellant without the prosecution having established the foundational ingredients of the offence under Section 376 of the Indian Penal Code and the relevant provisions of the Protection of Children from Sexual Offences Act, 2012 beyond reasonable doubt. It is submitted that the entire prosecution case is riddled with inconsistencies and improbabilities and falls short of the standard of proof required in criminal law, where conviction cannot be based on mere preponderance of probabilities. It is further contended that the FIR



has been lodged with mala fide intent and ulterior motives, allegedly under external pressure, and thus the proceedings stand vitiated. Reliance in this regard has been placed upon judicial precedents governing abuse of criminal process. Learned counsel further emphasizes that the DNA report on record does not establish the appellant to be the biological father of the child born to the victim, thereby seriously denting the prosecution case and rendering the allegations doubtful. It is also urged that the appellant and the victim were in a consensual relationship, being neighbours and of comparable age, and that the allegations have been falsely exaggerated. Placing reliance on the principles laid down by the Hon'ble Supreme Court in ***Santosh Prasad v. State of Bihar ((2020) 3 SCC 443)*** and ***Krishan Kumar Malik v. State of Haryana ((2011) 7 SCC 130)***, it is argued that conviction cannot be sustained solely on the testimony of the victim unless it is of sterling and unimpeachable quality, which, according to the appellant, is not the case herein, particularly when medical and forensic evidence do not corroborate the prosecution version. It is further contended that material procedural lapses and investigative deficiencies, including discrepancies in the crime detail form and alleged irregularities in preparation of site-related documents, create serious doubt about the veracity of the prosecution case. Lastly, it is urged that the learned trial Court has acted with undue haste in passing the order of sentence on the



same day without affording adequate opportunity to the appellant, thereby causing prejudice and vitiating the sentencing process.

- 12.** Learned counsel for the appellant has further assailed the finding of minority of the victim by contending that the reliance placed by the learned trial Court on the birth certificate (Ex.P-12) is wholly misplaced and legally unsustainable. It is submitted that the said document was exhibited through PW-3, the father of the victim, who in his cross-examination has categorically admitted that the victim was not born in District Durg but in the State of Bihar. It is further pointed out that the birth of the victim was registered belatedly on 23.05.2012, nearly seven years after the alleged date of birth (15.06.2005), and the certificate itself was issued much later on 29.12.2017. The witness has also admitted that the birth certificate was prepared on the basis of a receipt allegedly issued by District Hospital, Durg, despite acknowledging that the victim was not born there, thereby creating a serious contradiction and casting doubt on the authenticity of the document.
- 13.** Learned counsel submits that though a birth certificate ordinarily constitutes a reliable piece of evidence for determination of age, the same must satisfy the statutory requirements prescribed under the Registration of Births and Deaths Act, 1969. Particular emphasis is laid upon Section 13(3) of the said Act, which mandates that any birth not registered within one year of its occurrence can only be registered upon an order passed by a



Magistrate of the First Class after due verification. It is contended that in the present case, there is no material on record to demonstrate compliance with the mandatory procedure under Section 13(3), especially the requirement of obtaining prior judicial authorization for such delayed registration.

- 14.** In view of the unexplained and inordinate delay of seven years in registration, the contradictions regarding the place of birth, and the absence of proof of compliance with statutory requirements, it is urged that the birth certificate (Ex.P-12) becomes highly doubtful and unreliable. Consequently, the prosecution has failed to conclusively establish that the victim was a minor at the relevant time, and therefore, the foundational premise of the conviction under the provisions of the Protection of Children from Sexual Offences Act, 2012 stands vitiated.
- 15.** On the other hand, learned counsel for the State opposes the submissions made by the learned counsel for the appellant and submits that the prosecution has proved its case beyond reasonable doubt and the victim (PW-1) has clearly deposed the conduct of the appellant in her statement and the learned trial Court after considering the material available on record has rightly convicted and sentenced the appellant, in which no interference is called for.
- 16.** We have heard the learned counsel for the parties and perused the record with utmost circumspection.



17. The issue that arises for consideration in the present appeal is whether the testimony of the victim/prosecutrix deserves acceptance and whether the prosecution has established the case of the appellant beyond reasonable doubt.
18. It is pertinent to observe that the question whether conviction of the accused can be based on the sole testimony of the victim in cases of sexual assault/rape is no longer res integra. The Hon'ble Supreme Court has dealt with the issue in a catena of judgments and has held that the sole testimony of the prosecutrix if found reliable can be the sole ground for convicting the accused and that the creditworthy testimony of the victim in cases of such nature deserves acceptance.
19. The next and a foundational issue which arises for determination in the present appeal is whether the victim was below 18 years of age on the date of the incident. The answer to this issue is determinative, as the applicability of the stringent provisions of the Protection of Children from Sexual Offences Act, 2012 hinges upon the minority of the victim.
20. Learned counsel for the appellant has vehemently contended that the prosecution has failed to conclusively establish the age of the victim. It is urged that the birth certificate (Ex.P-12), heavily relied upon by the trial Court, is rendered doubtful on account of (i) inordinate delay of about seven years in its registration, (ii) contradictions in the testimony of PW-3 regarding the place of



birth, and (iii) alleged non-compliance with statutory requirements governing delayed registration. It is further contended that the school admission register (Ex.P-17) does not disclose the source of the date of birth and, therefore, lacks evidentiary value in light of settled legal principles.

21. Per contra, learned State counsel has supported the impugned judgment and submitted that the age of the victim stands duly proved by consistent and cogent oral as well as documentary evidence. It is argued that the alleged delay in registration does not, by itself, discredit the birth certificate, particularly when the same is corroborated by parental testimony and contemporaneous school records.
22. Before advertng to the factual matrix, it is apposite to refer to the settled legal position governing determination of age. The Hon'ble Supreme Court in ***Jarnail Singh v. State of Haryana (2013 SCC OnLine SC 507)*** has laid down a structured hierarchy of evidence, giving primacy to documentary proof such as matriculation certificates, school records, and birth certificates issued by statutory authorities, and resorting to medical opinion only in their absence. The underlying principle is that documentary evidence, if found reliable, should ordinarily prevail.
23. In the case at hand, the prosecution has placed reliance upon the birth certificate (Ex.P-12), which records the date of birth of the victim as 15.06.2005. The said document was seized during



investigation vide Ex.P-9 and has been duly proved through the testimony of PW-2 (mother) and PW-3 (father). The seizure and production of this document have not been seriously challenged in cross-examination.

- 24.** The principal attack of the appellant is on the delayed registration of the birth certificate. It is true that the registration of birth has been effected after a lapse of several years. However, it is well settled that delay in registration of birth is not uncommon in rural and semi-urban settings and cannot, in isolation, be a ground to discard the document, unless accompanied by circumstances indicating fabrication or manipulation. In the present case, no such circumstance has been brought on record.
- 25.** It is also significant that the birth certificate (Ex.P-12) came into existence much prior to the date of the incident in question. Thus, the possibility of its creation with an oblique motive to falsely implicate the appellant or to bring the case within the ambit of the Protection of Children from Sexual Offences Act, 2012 stands effectively ruled out.
- 26.** The contention regarding non-compliance with the procedure prescribed for delayed registration also does not carry the appellant's case any further. The appellant has not led any evidence to demonstrate that the certificate is forged or that it was not issued by a competent authority. In absence of such



foundational challenge, the document cannot be discarded merely on technical grounds.

27. As regards the discrepancy pointed out in the testimony of PW-3 regarding the place of birth, this Court is of the considered view that such inconsistency does not go to the root of the matter. The crucial aspect is the date of birth, and not the exact place where the birth occurred. Minor inconsistencies of this nature are natural and do not affect the core of the prosecution case.
28. In addition to the birth certificate, the prosecution has also relied upon the school admission register (Ex.P-17), wherein the date of birth of the victim is recorded as 15.06.2005. The said document has been proved by PW-5, the Headmaster, who produced the original register before the Court. Though it has been elicited in cross-examination that the source of the date of birth is not mentioned, the entry nonetheless constitutes a relevant piece of evidence under Section 35 of the Evidence Act.
29. The judgments relied upon by the appellant, including *Sunder Lal @ Pappu @ Vishal Vs. State of Chhattiasgarh* (CRA No. 352 of 2024), *Ramesh Vishwakarma Vs. State of Chhattisgarh* (CRA No. 1387 of 2024), *Sadanand Paikra Vs. State of Chhattisgarh* (2024 SCC OnLine Chh 3805) and *Moneshwar Alias Rinku Kumar Vs. State of Chhattisgarh* (2026 SCC OnLine Chh 1946), lay down that school records, in absence of foundational evidence, may have limited probative value. However, in the present case, the



school record is not being considered in isolation but stands corroborated by the birth certificate and the oral testimony of the parents.

30. It is pertinent to note that the father of the victim (PW-3) has categorically deposed that the date of birth of the victim is 15.06.2005. No suggestion has been put to him in cross-examination that the said date is incorrect. Similarly, the victim (PW-1) herself has stated her date of birth consistently, and her testimony on this aspect has remained unshaken.
31. The parents are the most natural and competent witnesses to depose regarding the age of their child. In the absence of any material contradiction or evidence to the contrary, their testimony cannot be lightly discarded.
32. On a cumulative assessment of the evidence on record, this Court finds that the birth certificate (Ex.P-12), the school record (Ex.P-17), and the oral testimony of PW-1 and PW-3 form a consistent and reliable chain of evidence establishing the date of birth of the victim as 15.06.2005.
33. Consequently, on the date of the incident i.e. 30.11.2021, the victim was aged about 16 years and 5 months, and was thus clearly below 18 years of age.
34. Once the minority of the victim stands established, the plea of consensual relationship, as sought to be raised by the appellant,



becomes legally untenable. The statutory scheme under the Protection of Children from Sexual Offences Act, 2012 renders consent of a minor wholly irrelevant.

- 35.** In view of the foregoing discussion, this Court finds no infirmity in the finding recorded by the learned trial Court regarding the age of the victim. The same is hereby affirmed, and the contention raised by the appellant stands rejected.
- 36.** The next question that arises for consideration in the present appeal is whether the appellant, on the intervening night of 30.11.2021 and 01.12.2021, at the place of occurrence as mentioned in the First Information Report, committed sexual assault upon the victim, who has been held to be a minor, and whether such act amounts to the offences punishable under Section 376(2)(n) of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.
- 37.** In this regard, the victim (PW-1) is the central witness, and her testimony forms the substratum of the prosecution case. She has deposed that she came into contact with the appellant through his sister and that conversations between them were facilitated through the said intermediary. She has further stated that on the intervening night of 30.11.2021, at about 11:00-11:30 PM, the appellant called her to his residence through his sister, where, after expressing affection and assurance of marriage, he established physical relations with her.



- 38.** The victim has further deposed that on the very next day, i.e., 01.12.2021, she again went to the house of the appellant on being called, where the appellant repeated the act under the same assurance. She has categorically stated that thereafter communication between them gradually ceased.
- 39.** The victim has also deposed that after some time she noticed cessation of menstruation and, in July 2022, informed her mother about the same, upon which she was taken for medical examination, leading to the revelation of her pregnancy. She thereafter disclosed to her parents that the appellant was responsible for the same. The victim has reiterated the above facts in her statement recorded under Section 164 Cr.P.C. (Ex.P-03), thereby lending contemporaneous assurance to her testimony before the Court.
- 40.** In cross-examination, the victim has admitted that she went to the house of the appellant at night and that her family members were unaware of her movements at that time. However, she has categorically denied the suggestion that no such incident took place or that she has falsely implicated the appellant.
- 41.** Minor inconsistencies, such as variation in dates or confusion in recalling the exact sequence of events, have been explained as being due to lapse of time. Such discrepancies are neither material nor sufficient to discredit her testimony.



- 42.** This Court finds that the testimony of PW-1 is natural, consistent, and free from material embellishment, and there is no reason to discard the same.
- 43.** The mother of the victim (PW-2) has deposed that upon noticing that the victim had not menstruated and was experiencing physical discomfort, she took her for medical examination, where it was revealed that she was pregnant.
- 44.** PW-2 has further stated that upon inquiry, the victim disclosed that the appellant had established physical relations with her on the pretext of marriage. She has proved the written complaint (Ex.P-05) lodged before Police Station City Kotwali, Durg, leading to registration of FIR (Ex.P-06). She has also proved seizure of documents relating to pregnancy, including treatment slips and sonography reports, vide seizure memo (Ex.P-10), and documents relating to age, vide (Ex.P-09).
- 45.** In cross-examination, her testimony has remained intact, and no material contradiction has been elicited. Her evidence provides immediate post-occurrence disclosure, which is a strong corroborative circumstance under the Evidence Act.
- 46.** The father of the victim (PW-3) has corroborated the version of PW-2 and has further deposed that upon learning about the pregnancy, the appellant and his family were called for discussion. He has stated that the appellant's family suggested DNA testing and indicated that they would accept responsibility only if the



report was positive. This conduct has been admitted by the appellant in his statement under Section 313 Cr.P.C.

47. PW-3 has also proved the birth certificate (Ex.P-12) and supported the seizure of relevant documents. Though he has admitted delay in registration, no suggestion has been put disputing the correctness of the date of birth.
48. His testimony lends circumstantial corroboration and reflects the conduct of the accused, which is relevant under Sections 7 and 8 of the Evidence Act.
49. Dr. Jyoti Gurubaxani (PW-10) has deposed that on 26.07.2022, the victim was brought for examination and was found to be pregnant. He has proved the treatment slip (Ex.P-24) and advised sonography.
50. Radiologist Dr. Yankit Jain (PW-7) has proved sonography report (Ex.P-20) and film (Ex.P-21), indicating that the victim was approximately 33 weeks pregnant with a live fetus.
51. Dr. A.K. Sahu (PW-6) has also conducted sonography and proved report (Ex.P-19), confirming pregnancy of 32 weeks and 06 days, with estimated delivery date.
52. Dr. Sheetal Soni (PW-9), who conducted medical examination, has proved report (Ex.P-23), confirming pregnancy of 30-32 weeks. She has stated that no fresh injuries were found, which is



natural considering the time gap between incident and examination.

53. Though the victim did not disclose the incident to the doctors, such non-disclosure does not weaken the prosecution case, particularly when she is a minor and disclosure occurred within the family context.
54. The medical evidence, therefore, fully corroborates the occurrence of sexual intercourse within the relevant timeframe.
55. Dr. Kalyan Kumar Singha (PW-8) has examined the appellant and proved report (Ex.P-22), confirming that he is capable of performing sexual intercourse. This finding has not been challenged.
56. Now coming to the DNA evidence, the DNA report (Ex.P-42), proved through PW-12, indicates that the appellant is not the biological father of the child.
57. However, it is pertinent to note that the victim underwent blood transfusion prior to delivery and the DNA sampling was conducted thereafter and also, the doctor who collected the sample was not examined.
58. Even otherwise, DNA evidence pertains to paternity and not to the occurrence of sexual assault. In view of the law laid down by the Hon'ble Supreme Court in the matter of ***Sunil v. State of Madhya***



Pradesh, reported in (2017) 4 SCC 393, such evidence is only corroborative. Relevant paras of the judgment are as under:

*“4. From the provisions of Section 53-A of the Code and the decision of this Court in Krishan Kumar [Krishan Kumar Malik V. State of Haryana, (2011) 7 SCC 130 : (2011) 3 SCC (Cri) 61] it does not follow that failure to conduct the DNA test of the samples taken from the accused or prove the report of DNA profiling as in the present case would necessarily result in the failure of the prosecution case. As held in Krishan Kumar [Krishan Kumar Malik V. State of Haryana, (2011) 7 SCC 130 : (2011) 3 SCC (Cri) 61] (para 44), **Section 53-A really "facilitates the prosecution to prove its case". A positive result of the DNA test would constitute clinching evidence against the accused if, however, the result of the test is in the negative i.e. favouring the accused or if DNA profiling had not been done in a given case, the weight of the other materials and evidence on record will still have to be considered. It is to the other materials brought on record by the prosecution that we may now turn to.**”*

Therefore, the negative DNA report does not demolish the otherwise consistent prosecution case.

59. Investigating Officer Saroj Chaware (PW-11) has proved FIR (Ex.P-06), site map (Ex.P-02), and seizure memos (Ex.P-09, Ex.P-10). His testimony establishes proper investigation. Patwari T.R. Sarve (PW-4) has proved the site map (Ex.P-08), confirming the place of occurrence inside the house of the appellant. PW-12



has proved the chain of custody for DNA samples (Ex.P-39, Ex.P-40, Ex.P-41).

- 60.** The delay in lodging FIR is fully explained. The victim, being a minor, did not immediately disclose the incident. The matter came to light only upon detection of pregnancy. However, it is settled law that delay in such cases is not fatal, particularly when satisfactorily explained.
- 61.** The defence suggestion that the victim was a consenting party is devoid of legal merit, as she has already been held to be a minor. Under the Protection of Children from Sexual Offences Act, 2012, consent of a minor is immaterial and cannot absolve the accused.
- 62.** Section 29 of the Protection of Children from Sexual Offences Act, 2012 raises a presumption of guilt once foundational facts are established. The appellant has failed to rebut this presumption either through cross-examination or by leading defence evidence.
- 63.** From the cumulative appreciation of the evidence of PW-1 to PW-12 and the exhibits proved on record, the following facts stand established:

 - A). The victim was pregnant, as proved by medical evidence (Ex.P-19, Ex.P-20, Ex.P-23, Ex.P-24).
 - B). The victim has consistently attributed the acts to the appellant (Ex.P-03, testimony PW-1).



C). Her testimony stands corroborated by her parents (PW-2, PW-3).

D). The place of occurrence is duly established (Ex.P-02, Ex.P-08).

E). The appellant has not led any defence evidence nor rebutted the statutory presumption.

- 64.** Upon a comprehensive and cumulative appreciation of the entire oral and documentary evidence available on record, this Court finds that the prosecution has successfully established a coherent and credible chain of circumstances pointing towards the guilt of the appellant. The testimony of the victim (PW-1) remains the cornerstone of the prosecution case, which is not only consistent and cogent but also inspires confidence. Her version is duly corroborated by the testimony of her parents (PW-2 and PW-3), medical evidence (Ex.P-19, Ex.P-20, Ex.P-23, Ex.P-24), and surrounding circumstances.
- 65.** The defence has failed to elicit any material contradiction or inconsistency in the cross-examination of the prosecution witnesses that would shake the substratum of the prosecution case. Minor discrepancies, if any, are natural and do not go to the root of the matter. It is well settled that trivial inconsistencies cannot be a ground to discard otherwise reliable testimony.



- 66.** The principal contention advanced on behalf of the appellant relates to the negative DNA report (Ex.P-42), which indicates that the appellant is not the biological father of the child born to the victim. While this Court takes note of the said report, it is equally well settled that DNA evidence is primarily relevant for establishing paternity and does not, in itself, negate the occurrence of sexual intercourse.
- 67.** More importantly, in light of the law laid down by the Hon'ble Supreme Court in *Sunil v. State of Madhya Pradesh* (Supra), DNA evidence is merely corroborative in nature. A negative DNA report cannot override direct, reliable, and trustworthy ocular evidence, particularly the testimony of the victim, which stands unshaken.
- 68.** The contention regarding delay in lodging the First Information Report also does not merit acceptance. The victim, being a minor girl, did not immediately disclose the incident. The matter came to light only when her pregnancy was detected in July 2022.
- 69.** It is a settled principle of law that in cases of sexual offences, delay in reporting is not uncommon due to social stigma, fear, and trauma. Once the delay is satisfactorily explained, it cannot be used to discredit the prosecution case. In the present case, the explanation furnished is natural, plausible, and acceptable.
- 70.** The defence has attempted to suggest that the victim was a consenting party. However, this argument is legally untenable in



view of the categorical finding that the victim was below 18 years of age at the time of the incident.

- 71.** Under the scheme of the Protection of Children from Sexual Offences Act, 2012, consent of a minor is wholly irrelevant. Even assuming that the victim accompanied the appellant voluntarily, such consent would not absolve the appellant of criminal liability.
- 72.** Section 29 of the Protection of Children from Sexual Offences Act, 2012 mandates that once foundational facts are established, the Court shall presume that the accused has committed the offence unless the contrary is proved.
- 73.** Similarly, Section 30 raises a presumption regarding the existence of culpable mental state on the part of the accused.
- 74.** In the present case, the prosecution has successfully established foundational facts, including the age of the victim, occurrence of sexual intercourse, and involvement of the appellant. The appellant has failed to rebut these statutory presumptions either through effective cross-examination or by leading defence evidence.
- 75.** The victim (PW-1) has made consistent statements before the police, under Section 164 Cr.P.C. (Ex.P-03), and before the Court. There is no material contradiction affecting her credibility. The testimony of PW-2 and PW-3 provides immediate disclosure and corroboration, which is admissible under Sections 7 and 8 of the



Indian Evidence Act. The medical witnesses (PW-6, PW-7, PW-9, PW-10) have conclusively proved pregnancy within the relevant period, which supports the victim's version. The Investigating Officers (PW-11 and PW-12) have established proper investigation, seizure of documents, and chain of custody of exhibits.

76. In light of the foregoing discussion, this Court records the following findings:

(i) The victim was a minor, aged about 16 years and 5 months at the time of the incident.

(ii) The appellant established physical relations with the victim on the pretext of marriage on the intervening night of 30.11.2021 and 01.12.2021.

(iii) The testimony of the victim is reliable, trustworthy, and duly corroborated by medical and circumstantial evidence.

(iv) The negative DNA report does not demolish the prosecution case.

(v) The delay in lodging the FIR stands satisfactorily explained.

(vi) The statutory presumptions under Sections 29 and 30 of the POCSO Act operate against the appellant and remain unrebutted.

77. This Court finds no perversity, illegality, or infirmity in the findings recorded by the learned trial Court. The appreciation of evidence by the trial Court is proper, and the conclusions drawn are well-



founded. The prosecution has proved the charges against the appellant beyond reasonable doubt. Consequently, the appeal being devoid of merit is hereby **dismissed**. The conviction and sentence imposed upon the appellant under Section 6 of the Protection of Children from Sexual Offences Act, 2012 is hereby affirmed. The appellant shall continue to undergo the sentence as awarded by the learned trial Court.

- 78.** It is stated at the Bar that the appellant is in jail. He shall serve out the sentence as ordered by the trial Court.
- 79.** Let a copy of this judgment and the original record be transmitted to the trial court concerned forthwith for necessary information and compliance.
- 80.** Registry is directed to send a copy of this judgment to the concerned Superintendent of Jail where the Appellant is undergoing the jail term, to serve the same on the Appellant informing him that he is at liberty to assail the present judgment passed by this Court by preferring an appeal before the Hon'ble Supreme Court with the assistance of High Court Legal Services Committee or the Supreme Court Legal Services Committee.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice